

ORDINANCE NO. 546

Amending Several Sections of Chapter 186, Solid Waste, of the Code of the Village of Waterford to Revise Certain Provisions for the Collection of Solid Waste and Recycling

The Village Board of the Village of Waterford, Racine County, Wisconsin, do ordain as follows:

I. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article I, **Garbage and Refuse**, Section 186-2, **Garbage Containers; Collection**, is hereby amended as follows:

186-2 Garbage Containers.

- A. Every garbage container used in the Village shall be metal or metal-lined or of plastic and watertight with a flytight and watertight metal or plastic cover. In the event that the Village contracts with a disposal company that provides containers for residential properties, those residential units must use the containers provided by the Village contractor.
- B. No person shall place on any street or sidewalk any garbage container, as above prescribed, when the placement of such garbage container will be injurious to the public health, will create a public nuisance or will obstruct any such sidewalk or street so as to interfere with the use of the same by the public.
- C. All such garbage containers shall be fitted with a cover and shall be kept covered, except when depositing materials therein or removing contents therefrom. In addition to garbage containers as above defined, the Village shall require the use of recycling containers, which shall be the composition and a size and dimension required by the Village, and which may be used only pursuant to the recycling rules and regulations from time to time promulgated. See Article II of this Chapter.

II. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article I, **Garbage and Refuse**, Section 186-5, **Yard Waste**, is hereby amended as follows:

186-5 Yard waste.

- A. For purposes of this section, the phrase "yard waste" shall be defined as leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. The term does not include stumps, roots or shrubs with intact root balls.
- B. No yard waste may be deposited for regular garbage collection.

- C. Except as provided in Subsection D below, at no time shall property owners deposit yard waste in street lines, curb lines or in piles near the pavement edge for collection purposes or otherwise.
- D. The Village may from time to time pass regulations regarding the collection of certain yard waste and may from time to time pass on to property owners using the procedure the cost of such collection and shall from time to time prescribe the method in which the disposal is to be accomplished. The Village may charge for collection of brush, and for an annual permit, in an amount set by the Village Board, which shall allow residents to dispose of certain yard waste at the Village Department of Public Works building. See s. 186-19.

III. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article I, **Garbage and Refuse**, Section 186-6, **Publicly Provided Refuse Containers**, is hereby amended as follows

186-6 Publicly Provided Refuse Containers.

The Village may, at its discretion and from time to time, provide public refuse and/or recycling containers for use by Village residents and/or commercial units, and if said refuse containers or recycling containers are provided for the use of commercial units, the Village shall charge a fee for their use. The fee for the use of the containers by commercial units shall be a special charge and shall be billed to the property owners quarterly, and all special charges that are due and unpaid 30 days after the date of billing shall be deemed delinquent and shall be a lien on the property. Delinquent special charges that are unpaid on November 1st of each year shall be included on the tax roll as set forth in Wis. Stat. s. 66.0627.

No person other than a Village resident or authorized commercial unit shall use such containers, and all persons using such containers shall do so only within the posted and prescribed times and conditions. Failure to comply herewith shall be considered a violation under s. 186-8 below.

IV. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article I, **Garbage and Refuse**, Section 186-7, **Rear Load Refuse Bin Waste and Disposable Material Pickup**, is hereby amended as follows:

186-7 Residential, Commercial and Construction Refuse and Recycling.

- A. Definitions. As used in this Article, the following definitions shall apply.

RESIDENTIAL UNITS are single family and two to four family residential dwellings.

COMMERCIAL UNITS are those buildings in the Village that contain at least one commercial or industrial unit. In addition, every building in the Village which houses in excess of five customer units of whatever nature, including multi family residential, are

commercial units. Home businesses, where the primary use of the unit is residential, are not commercial units under this chapter.

B. Residential Refuse and Recycling.

The Village shall from time to time and in coordination with the garbage collection contractor for the Village provide specifications for garbage and recycling containers to be used by residential units within the Village. Failure to comply with the specifications for residential units will be considered a violation under s. 186-8.

- (1) The Village or the Village through its contracting garbage collection agency shall pick up garbage and recycling from such containers under a systematic plan implemented by the Village and with procedures as defined from time to time by the Village.
- (2) On every designated collection day as is established from time to time by the Village, all materials deposited for collection pursuant to this section shall be placed inside the designated container at the curb or pavement edge in a safe location. The use of plastic bags placed outside of the containers for refuse pending collection is not allowed.
- (3) Containers provided for automated systems shall be placed strictly in conformance with the instructions of the Village or the contractor. Questions regarding such placement shall be determined by the Village or the Village through its contracting garbage collection company. No vehicles, recreational apparatus or other obstacles shall be placed in such a way so as to prevent access to the container, and such obstruction shall be the sole responsibility of the customer.
- (4) If the Village contracts with a disposal company for automated pickup, no residential unit may place any item for pickup as garbage if that refuse does not fit inside the designated cart. The residential unit may contract with the Village contractor, or a contractor of its choosing, at its own expense, for the disposal of oversized and bulk items.
- (5) In the event that a residential unit is a rental property, the property owner is required to inform the tenant of the requirements for collection.

C. Commercial Unit Refuse and Recycling.

- (1) The property owner shall be responsible for collection and disposal of refuse and recycling from commercial units.
 - (a) The property owner may utilize the services of the Village's contracting garbage collection company at its own expense. The cost for said optional commercial use, when the same collection procedures that are

provided for residential units are used, shall be set forth in the Village's contract with the disposal company.

- (b) Each commercial unit shall provide for disposal and recycling using the size and type of container adequate for the use(s) present. In the event that a rear-load refuse bin (dumpster) is used, it shall be emptied at a frequency that provides that the cover is kept closed when refuse is not being deposited or emptied. Failure to provide an adequate dumpster and/or empty the dumpster as necessary shall be considered a violation of s. 186-8. In the event that litter is blown out of the dumpster and onto adjacent properties or public ways, the property owner may be charged with littering pursuant to section 186-1.

(2) Placement of Commercial Unit Refuse Bins.

- (a) No person may place or store a dumpster, garbage bin, refuse bin, rubbish or any combustible material within 20 feet of a commercial, industrial or multifamily structure unless the same is enclosed in a masonry enclosure.
- (b) Structures in existence on February 10, 2003 may be exempted from this requirement by the Fire Inspector, provided that the Inspector, in his or her discretion, identifies a safe alternative location and the property owner or tenant places the dumpster, garbage bin, rubbish or combustible material at the alternative location. The property owner or tenant may appeal the Fire Inspector's decision to the Plan Commission, which may uphold, modify or overturn the Fire Inspector's determination.

D. Construction Refuse.

- (1) The Village or the Village through its contracting garbage collecting company shall in no event be responsible for the collection of construction waste derived from building sites within the Village.
- (2) Construction site requirements.
 - (a) In every instance where new construction is commenced upon a site within the Village of Waterford for which a building permit is required and has been issued, the owner and the building permit applicant shall be jointly and severally responsible for a provision at the construction site of a rear load refuse bin (dumpster), and, where appropriate, a recycling container, of sufficient size to adequately contain, from time to time, the waste and recyclable material generated at such site, or, if approved by the Building Inspector, shall provided an adequate method of on-site recycling at such site.

- (b) In every instance where a building permit is issued for improvement, remodeling, reconstruction, addition, or partition, of an existing structure in the Village of Waterford, the owner and the building permit applicant shall be jointly and severally responsible for the placement on the site of a rear load refuse bin (dumpster), and, where appropriate, a recycling container, of a sufficient size to handle the refuse and recyclable material generated from time to time, if, in the determination of the Building Inspector, a dumpster and/or recycling container are required based upon the nature and extent of the work to be accomplished.

V. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article II, **Recycling**, Section 186-14, **Effective Date**, is hereby amended as follows:

186-14 Effective date.

The provisions of this article shall take effect on January 1, 1995, and revisions hereto shall be effective upon the effective date of the amending ordinance.

VI. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article II, **Recycling**, Section 186-19, **Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste**, is hereby amended as follows:

186-19 Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.

Occupants of single-family and two- to four-unit residences, multiple-family dwellings and nonresidential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- A. Lead acid batteries shall be disposed of by the resident/occupant to a private contractor. A list of resources is available at the Village Hall.
- B. Major appliances shall be disposed of by the resident/occupant to a private contractor. A list of resources is available at the Village Hall.
- C. Waste oil shall be disposed of by the resident/occupant to a private contractor. A list of resources is available at the Village Hall.
- D. Yard waste generated by single family and two- to four-family residences shall be disposed of by the resident/occupant at the Department of Public Works Building in the Village of Waterford, or to a private contractor of the property owner's choosing. A fee for an annual permit to allow the disposal of yard waste from such units may be charged in an amount set by the Village Board. Yard waste generated by multiple-family dwellings and nonresidential facilities and properties, including mixed-use properties, shall be disposed of by the property owner to a private contractor of the property owner's choosing.

VII. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article II, **Recycling**, Section 186-19.5, **Responsibility for Collection of Recyclable Materials**, is hereby created as follows:

186-19.5 Responsibility for Collection of Recyclable Materials

- A. Occupants and tenants of single family and two- to four-unit residences shall prepare and provide for collection of recyclable materials as specified in section 186-20.
- B. The owners of multiple family dwellings shall be responsible for the collection and disposal of recyclable materials and shall proceed as set forth in s. 186-21.
- C. The owners of non-residential facilities and properties, including mixed use properties, shall be responsible for the collection and disposal of recyclable materials and shall proceed as set forth in s. 186-23.

VIII. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article II, **Recycling**, Section 186-20, **Preparation and Collection of Recyclable Materials**, is hereby amended as follows:

186-20 Preparation and Collection of Recyclable Materials.

Except as otherwise directed by the Village of Waterford, occupants of single-family and two- to four-unit residences shall prepare for the collection of the separated materials specified in s. 186-16E through O as set forth below. Recycling containers specified shall be placed for collection as set forth in s. 186-7B.

- A. Aluminum containers shall be rinsed free of product residue and placed in recycling containers. The recycling containers shall be collected curbside.
- B. Bi-metal containers shall be rinsed free of product residue and placed in recycling containers. The recycling containers shall be collected curbside.
- C. Corrugated paper or other container board shall be free of debris, flattened, and placed in recycling containers. The recycling containers shall be collected curbside.
- D. Foam polystyrene packaging shall be free of residue and placed in recycling containers for collection curbside, or according to the then-current DNR regulations.
- E. Glass containers shall be rinsed free of product residue, and lids shall be removed and discarded. The glass containers shall be placed in recycling containers. The recycling containers shall be collected curbside.
- F. Magazines shall be free of debris and placed in recycling containers. The recycling containers shall be collected curbside.

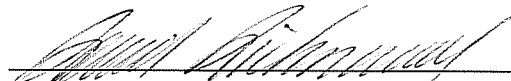
- G. Newspaper shall be free of debris and placed in recycling containers. The recycling containers shall be collected curbside.
- H. Office paper shall be free of debris and placed in recycling containers. The recycling containers shall be collected curbside.
- I. Rigid plastic containers shall be prepared and collected as follows:
 - (1) Containers made of PETE and HDPE (including milk jugs and detergent bottles) shall be rinsed free of product residue; caps removed and discarded, and placed in recycling containers to be collected curbside.
 - (2) Containers made of PVC, LDPE, PP, PS, or other resins or multiple resins shall be rinsed free of product residue, and placed in recycling containers to be collected curbside.
- J. Steel containers shall be rinsed free of product residue and placed in recycling containers. The recycling containers shall be collected curbside.
- K. Waste tires shall be disposed of by the resident/occupant to a private contractor. A list of resources is available at the Village Hall.

IX. That Chapter 186 of the Code of the Village of Waterford, Racine County, Wisconsin, **Solid Waste**, Article II, **Recycling**, Section 186-22, **Special Provision for Owners of Multiple-Family Dwellings**, is hereby repealed..

X. It is further ordained that this ordinance shall become effective from and after its passage and publication as required by law. All other language as contained in Chapter 186 of the Code of the Village of Waterford shall remain without change and in full force and effect.


Introduced: 11-23-09
Passed and adopted: 12-14-09

BY ORDER OF THE VILLAGE BOARD



David Richmond, President

ATTEST:



Vikki L. Zuehlke, Clerk